

27 SEP 2004

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

REC'D 24 JUL 2003

WIPO

PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference m80290255	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU02/00383	International Filing Date (day/month/year) 27 March 2002	Priority Date (day/month/year) 27 March 2001
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ B65D 30/10, 33/16, A63B 41/12		
Applicant COACH FLANNIGAN ENTERPRISES PTY LTD et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

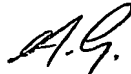
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 25 October 2002	Date of completion of the report 11 July 2003
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  ADRIANO GIACOBETTI Telephone No. (02) 6283 2579

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

*** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report*

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Preliminary Examining Authority has found that there are different inventions as follows:

1. Claims 1 to 18 are directed to a container adapted for lubricating an external longitudinal surface of an inflation needle. The container has a passage arranged to contain a solid lubricant and has an opening which is used for the insertion of a portion of the inflation needle. The lubricant is prevented from leaving the passage through the opening by its particular size or by having a closure means. It is considered that a container having a lubricant and an opening for insertion of a portion of an inflation needle comprises a first "special technical feature".
2. Claims 19 to 24 are directed to an inflation needle storage device (and associated method in claim 24) comprising a body with a passage for receipt of the needle and has a resiliently flexible retaining means or member which deforms by the presence of the needle. It is considered that the storage device having a passage formed in a resiliently flexible member or a passage having a resiliently flexible retaining means comprises a second "special technical feature".

Since the abovementioned groups of claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept, a priori.

This Authority did not invite the applicant to restrict or pay additional fees as there was no search report for the other invention defined in claims 19 to 24. Consequently, no meaningful opinion could be expressed in regard to this other invention.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-18

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1-18	YES
	Claims	NO
Inventive step (IS)	Claims 1-18	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-18	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)Cited Prior Art Citations

(D1) US 4568081

(D2) US 5848946

(D3) FR 2752410

(D4) US 5769682

NOVELTY(N) AND INVENTIVE STEP(IS): Claims 1-18

The invention of independent claims 1 and 15 relates to a container adapted for lubricating an external surface of an inflation needle which is suitable for inflating articles having a substantially gas tight valve. The container comprising an opening for the passage therethrough of a portion of the longitudinal length of the needle and containing a solid lubricant such as lubricating particles which is prevented from passage through the opening by closure means or by the size of the particles.

All the documents cited in the ISR were category A only. Therefore the claimed invention is not disclosed in any of these patent documents above and hence the claims 1 to 18 are novel.

Also the claimed invention is not obvious in the light of any of the cited documents nor disclosed in any obvious combination, nor would the claimed invention be obvious to a person skilled in the art in the light of common general knowledge by itself or in combination with any of the above documents.

Consequently the invention as defined in claims 1 to 18 meet the requirements of Articles 33(2) and 33(3) of the PCT.

INDUSTRIAL APPLICABILITY(IA): Claims 1-18

The claimed invention of claims 1-18 meets the requirements of industrial applicability under Article 33(4) of the PCT because the invention of the container can be made or used in industry.